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GENOMICSCEREON GENOMICS, LLC
45 SIDNEY STREET

CAMBRIDGE, MA 02139

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MS
05/03/01

DATE May 3, 2001

TO Assistant Commissioner for Patents
Attention: Examiner Strzelecka at Art Unit: 1656

FAX 703-308-4242

FROM Thomas E. Kelley Reg. No. 29,938

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CC

SUBJECT Response in Serial No. 09/404,520

PAGES 8 including this cover sheet

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RE: Application Serial No. 09/404,520
Art Unit 1656
Examiner Strzelecka

Enclosed is a Response to a Notice of Non-Compliant Amendment.

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Thomas E. Kelley, Registration No. 29,938

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Docket No: 04983.0207.00US00/38-10(15498)A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of Yongwei Cao *et al.*

Art Unit: 1656

Serial No: 09/404,520

Examiner: Strzelecka

Filed : September 23, 1999

For: *Emericella nidulans* Genome

May 3, 2001

and Uses Thereof

Response to Notice of Non-Compliant Amendment

Assistant Commissioner for Patents

Washington, DC 20231

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Sir:

Responsive to the Notice of Non-Compliant Amendment mailed 04/09/01 with a one (1) month or thirty (30) day period for response, applicant hereby timely submits the following amendment, remarks and marked-up version in the format required under 37 CFR 1.121. To re-iterate the response to the requirement for restriction, applicants provisionally elect the subject matter of Group XI comprising original claims 29 and 30 and the new dependent claims added by amendment below.

Please enter the following-described amendment which cancels claims 1-28 and 31-46, amends claims 29 and 30 and adds new claims 47-58.

Because the number of claims remaining after amendment, i.e. 2 independent and 15 total, is less than the number of claims previously paid for, i.e. 15 independent and 46 total, no additional fees are due.

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Thomas E. Kelley, Registration No. 29,938

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